

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	)	
Diana M. Onifer	)	Case No.: 16-22349 CMB
Michael S. Onifer	)	Chapter 13
Debtor(s)	)	
	)	
Ronda J. Winnecour, Chapter 13	)	Related Doc: 95, 98
Trustee,	)	
	)	
Movant,	)	
	)	
Vs.	)	
Wilmington Savings Fund Society, FSB	)	
Respondent(s)	)	

TRUSTEE'S REQUEST FOR EVIDENTIARY HEARING AND CONTINUING  
MOTION FOR SANTIONS AGAINST WILMINGTON SAVINGS  
FUND SOCIETY, FSB

AND NOW, Ronda J. Winnecour, Standing Chapter 13 Trustee for the Western District of Pennsylvania, reports, as follows:

1. On September 14, 2017, Ronda J. Winnecour filed an Objection to the Notice of Post-Petition Fees, Expense and Charges which initiated the current proceedings.
2. On October 25, 2017, this Honorable Court entered an order granting the Trustee's Objection and ordering the entire loan history from the inception of the loan. The Court indicated that numerous items were to be addressed.
3. On January 10, 2018, the Trustee filed a Motion to Compel and for Sanctions as Wilmington has failed to comply with the Orders of this Court and also with the Federal Rules of Bankruptcy Procedure.
4. On February 28, 2018 this Honorable Court conducted a hearing on the Trustee's Motion to Compel. This Court directed the President/CEO of Wilmington Savings Fund Society FSB to appear at the hearing and be prepared to testify. Counsel for the creditor was directed to serve the President/CEO of Wilmington Savings Fund Society FSB.

5. Counsel for the creditor argued that the servicer (Shellpoint) should be able to appear but this Court denied that request. The hearing was continued until April 11, 2018 for the President /CEO of Wilmington Savings Fund Society FSB to appear and testify.
6. On March 14, 2018, counsel for the creditor filed a Motion to Reconsider and/or Vacate, or, in the alternative, to Alter/Amend asking this Court to again reconsider the requirement that Wilmington appear.
7. The Trustee filed a detailed response outlining Wilmington Savings Fund Society FSB's continued pattern of intentionally defying the Orders of this Court, the Bankruptcy Code and the Federal Rules of Bankruptcy.
8. On April 5, 2018, this Court held another hearing. As a result of that hearing, the Court ordered Attorney William Miller to provide "the name of corporate designee of Wilmington Savings Fund Society, FSB ("Wilmington") who has first-hand knowledge of the information sought by the Chapter 13 Trustee and who is intimately familiar with the processes and procedures involved in removing charges. The corporate designee shall also be prepared to testify as to the relationship between Wilmington and its servicer(s) as well as to what are the contracts between Wilmington and its servicer(s)."
9. The Trustee would note that today's date is June 1, 2018 and she has never received this name.
10. The only individual's name provided to the Court has been Bruce Coleman who is employed by Shellpoint Mortgage Servicing.
11. On May 2, 2018 the Trustee reported to the Court that Wilmington Savings Fund Society, FSB continued to ignore the orders of this Court.
12. On May 24, 2018 this Honorable Court again entered an order requiring: "Attorney William Miller (to provide) the name of a corporate designee of Wilmington Savings Fund Society, FSB who has first-hand knowledge of the information sought by the Chapter 13 trustee and who is intimately familiar with the process and procedures involved in removing charges, in accordance with this Court's order dated April 5, 2018." The

corporate designee must be prepared to testify as to the items delineated in the April 5<sup>th</sup> Order.

13. The Trustee was ordered to file a statement as to whether she is still pursuing her motion for sanctions and whether the evidentiary hearing is still needed.

14. The Trustee is pursuing her motion for sanctions and the evidentiary hearing is still needed.

15. Despite the repeated orders of this Court, Wilmington and Mr. Miller continue to intentionally defy these orders.

16. Instead of complying with any of this Court's orders, Wilmington and Mr. Miller filed yet another baseless, meritless and unsubstantiated Motion to Reconsider on May 31, 2018.

17. In light of Wilmington's intentional defiance of Orders of Court, the Trustee suggests that the Court re-impose the original order requiring the President/CEO of Wilmington to appear in person to answer the Trustee's questions and also to explain to this Court its decisions to repeatedly and intentionally flout this Court's orders.

18. The Trustee requests that this Court impose sanctions against counsel for the Creditor in light of his refusal to follow this Court's orders and also his persistent filing of frivolous and meritless motions.

19. Since no one has resolved the issues attendant to the mortgage, the Trustee requests that this Court fix the principal balance of the loan at \$1.00 and order satisfaction of the mortgage.

20. The Trustee requests additional sanctions as the Court deems appropriate.

WHEREFORE, the Chapter 13 Trustee requests that the evidentiary hearing scheduled for June 12, 2018 at 10:00 a.m. shall be held as scheduled and that William Miller provide the Trustee with the name of the

President/CEO of Wilmington Savings Fund Society, FSB and that the President/CEO be present at the hearing.

Respectfully Submitted,

June 1, 2018

/s/ Ronda J. Winnecour

Ronda J. Winnecour (PA I.D. #30399)  
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CERTIFICATE OF SERVICE

I hereby certify that on the date shown below, I served a true and correct copy of the foregoing pleading upon the following, by First Class United States mail, postage prepaid:

Diana M. Onifer  
Michael S. Onifer  
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Latrobe, PA 15650

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William E. Miller, Esquire  
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The Shops at Valley Square  
Warrington, PA 18976

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Shellpoint Mortgage Servicing  
75 Beattie Place, Suite 300  
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Joseph S. Sisca, Esquire  
Assistant U.S. Trustee  
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06/01/2018  
Date

S/ Amy T. Sabedra  
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